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MINISTRY OF LAW

NOTIFICATION

New Delhi-2, the 31st December 1957

S.R.O. 4165.—In exercise of the powers conferred by section 169 of the Representation of the People Act, 1951 (43 of 1951), the Central Government, after consulting the Election Commission, hereby makes the following further amendments in the Representation of the People (Conduct of Elections and Election Petitions) Rules, 1956, namely:—

1. In rule 2, in sub-rule (1), after clause (a), the following clause shall be inserted, namely:—

“(aa) ‘ballot box’ includes any box, bag or other receptacle used for the insertion of ballot papers by electors;”.

2. In rule 41G, in sub-rule (1) for the words “opposite the name of the candidate or each of the candidates for whom he intends to vote in accordance with the instructions set out in the ballot paper”, the words “on or near the symbol of the candidate or each of the candidates for whom he intends to vote in accordance with such directions as the Election Commission may issue in this behalf” shall be substituted.

3. In rule 41H, for the words “the instructions contained on the ballot paper”, the words “the directions issued by the Election Commission” shall be substituted.

4. In rule 46—

(a) in sub-rule (1), for clause (a), the following clause shall be substituted, namely:—

“(a) record in such manner as the Election Commission may direct the serial number of each ballot paper against the entry relating to that elector in the copy of the electoral roll set apart for the purpose (referred to in these rules as the marked copy of the electoral roll);”.

(b) in sub-rule (2), in clause (d), for the word “instructions”, the words “directions and instructions” shall be substituted;

(c) in sub-rule (4), for the words “the counterfoils of all such ballot papers”, the words “the marked copy of the electoral roll used in connection with the issue of postal ballot papers” shall be substituted.

5. In rule 47, in sub-rule (1), for the words “the directions contained therein”, the words, figures and letter “the directions contained in Part I of Form 18D” shall be substituted;

6. In rule 50, in sub-rule (1), for the words, figures and letter “in Form 18D”, the words, figures and letter “in Part II of Form 18D” shall be substituted.

7. In rule 75, in sub-rule (1) for the words “the instructions set out in the ballot paper”, the words “such directions as the Election Commission may issue in this behalf” shall be substituted.

8. In rule 77, for the words "the instructions contained on the ballot paper", the words "the directions issued by the Election Commission" shall be substituted.

9. In rule 88—

(a) in sub-rule (1), for clause (a), the following clause shall be substituted, namely:—

"(a) record in such manner as the Election Commission may direct the serial number of each ballot paper against the entry relating to that elector in the copy of the electoral roll set apart for the purpose (referred to in these rules as the marked copy of the electoral roll)";

(b) in sub-rule (2), in clause (d) for the word "instructions" the words "directions and instructions" shall be substituted;

(c) in sub-rule (3), for the word "instructions" the words "directions and instructions" shall be substituted;

(d) in sub-rule (4), for the words "the counterfoils of all such ballot papers" the words "the marked copy of the electoral roll used in connection with the issue of postal ballot papers" shall be substituted.

10. In rule 84 for the words "the directions contained therein", the words and figures "the directions contained in Part I of Form 27" shall be substituted;

11. In rule 88, in sub-rule (1), for the words and figures "in form 27", the words and figures "in Part II of form 27" shall be substituted.

12. In rule 100, in sub-rule (1) for the words "the instructions set out on the ballot paper", the words "such directions as the Election Commission may issue in this behalf for the recording of votes" shall be substituted.

13. In rule 102 for the words "the instructions contained on the ballot paper" the words "the directions issued by the Election Commission" shall be substituted.

14. In rule 108—

(a) in sub-rule (1) for the words "and shall enter on the counterfoil of each such ballot paper the name of the elector to whom the ballot paper is sent, his serial number in", the words "and shall record in such manner as the Election Commission may direct the serial number of the ballot paper issued to the elector against the entry relating to the elector in a copy of" shall be substituted;

(b) in sub-rule (3), in clause (d) for the word "instructions" the words "directions and instructions" shall be substituted;

(c) in sub-rule (4), for the word "instructions" the words "directions and instructions" shall be substituted;

(d) in sub-rule (5) for the words "the counterfoil of all such ballot papers", the words, figures and brackets "the marked copy of the list maintained under sub-section (1) or sub-section (2) of section 152" shall be substituted.

15. In rule 109, in sub-rule (1), for the words "the directions contained therein" the words and figures "the direction contained in Part I of Form 27" shall be substituted.

16. In rule 113, in sub-rule (1), for the words and figures "in form 27", the words and figures "in Part II of Form 27" shall be substituted.

17. In rule 138, in sub-rule (1),—

(a) in clause (c) for the words "the counterfoils of all postal ballot papers" the words, figures and brackets "the marked copy of the electoral roll or, as the case may be, the list maintained under sub-section (1) or sub-section (2) of section 152" shall be substituted;

(b) after clause (c), the following clause shall be inserted, namely:—

"(f) the packets of identity slips containing the signatures or thumb impressions of electors under sub-rule (2) of rule, 26".

18. In rule 143, the following words shall be inserted at the end, namely:—

"or where the amount of such compensation has been determined in the absence of the person interested or, as the case may be, the owner, fourteen days from the date on which the intimation of such determination is sent to that person or owner".

21. For Form 18D, the following form shall be substituted, namely:—

“FORM 18D

INSTRUCTIONS FOR THE GUIDANCE OF ELECTORS

[See rule 46(2)]

Election to the* from theconstituency

The persons whose names are printed on the ballot paper sent herewith are candidates at the above election. If you desire to vote, you should record your vote(s) in accordance with the directions given in Part I below and then follow the instructions detailed in Part II.

Part I—Directions to electors.

- (a) The number of members to be elected is.....
- (b) You have vote(s).
- (c) You must not vote for more than candidates. If you do, your ballot paper will be rejected.
- (d) Record each vote by placing clearly a mark in column 4 of the ballot paper opposite the name of the candidate to whom you wish to give that vote and near his symbol.
- (e) The mark should be so placed as to indicate clearly and beyond doubt to which candidate you are giving your vote. If the mark is so placed as to make it doubtful to which candidate you have given the vote, that vote will be invalid.
- (f) Your vote is secret. You must not put your signature on the ballot paper or make any other mark on it which will reveal your identity. If you do, your ballot paper will be rejected.

Part II—Instructions for electors.

- (a) After you have recorded your vote(s) on the ballot paper, place the ballot paper in the smaller cover marked ‘A’ sent herewith. Close the cover and secure it by seal or otherwise.
- (b) You have then to sign the declaration in form 18A, also sent herewith, in the presence of an officer competent to attest your signature. Such officer must be a stipendiary magistrate or **. Take the declaration to any such officer and sign it in his presence after he has been satisfied about your identity. The officer will attest your signature and return the declaration to you. You must not show your ballot paper to the attesting officer nor tell him how you have voted.
- (c) If you are unable to mark the ballot paper and sign the declaration yourself in the manner indicated above by reason of illiteracy, blindness or other infirmity, you are entitled to have your vote(s) marked and the declaration signed on your behalf by any officer mentioned in item (b). Such an officer will at your request mark the ballot paper in your presence and in accordance with your wishes. He will also complete the necessary certificate in this behalf.
- (d) After your declaration has been signed and your signature has been attested in accordance with item (b) or item (c), place the declaration in form 18A as also the smaller cover marked ‘A’ containing the ballot paper, in the larger cover marked ‘B’. After closing the larger cover send it to the returning officer by registered post or by messenger.
- (e) You must ensure that the cover reaches the returning officer before 5 p.m. on the(date).
- (f) Please note that—
 - (i) If you fail to get your declaration attested or certified in the manner indicated above, your ballot paper will be rejected; and
 - (ii) If the cover reaches the returning officer after 5 p.m. on the (date) your vote will not be counted.

* Appropriate particulars of the election to be inserted here.

** Insert here the designation of the appropriate officer specified in rule 47(2)."

22. For Form 25, the following form shall be substituted, namely:—

"FORM 25
BALLOT PAPER (FOR PERSONAL BALLOT)
(Sec rule 74)

FRONT

Election to the Legislative Council.
Local Authorities'/Graduates' /Teachers' Constituency.....19.....

| Serial No. of candidate | Name of candidate | Mark order of preference |
|-------------------------------|-------------------|-----------------------------|
|-------------------------------|-------------------|-----------------------------|

1.

2.

3.

4.

| |
|------------|
| Serial No. |
|------------|

23. For Form 26A, the following form shall be substituted, namely:—

"FORM 26A
POSTAL BALLOT PAPER
(Sec rule 82)

FRONT

Election to the Legislative Council.
Local Authorities'/Graduates'/Teachers' Constituency.....19.....

| Serial No. of candidate | Name of candidate | Mark order of preference |
|-------------------------------|-------------------|-----------------------------|
|-------------------------------|-------------------|-----------------------------|

1.

2.

3.

4.

| |
|------------|
| Serial No. |
|------------|

24. For Form 27, the following form shall be substituted namely:—

FRONT

"FORM 27

INSTRUCTIONS FOR THE GUIDANCE OF ELECTORS

(See rules 83 and 108)

Election to the Council of States/.....Legislative Council

The persons whose names are printed on the ballot paper sent herewith are candidates at the above election. If you desire to vote, you should record your vote (votes) in accordance with the directions given in Part I below and then follow the instructions detailed in Part II.

PART I—Directions to Electors

1. The number of members to be elected is
2. Vote by placing the figure 1 in the space opposite the name of the candidate for whom you vote. Place the figure 1 opposite the name of the one candidate only *(although there are more members than one to be elected).
3. You may indicate your relative preference for the other candidates by placing in the spaces opposite their names the figures 2, 3, 4, etc. in order of such preference.
4. Do not place more than one figure opposite the name of any candidate and do not place the same figure opposite the names of more candidates than one.
5. *In the case of a council constituency only.*—An elector shall obtain the attestation of his signature on the declaration in form 26B either by a stipendiary magistrate to whom the elector is personally known or to whose satisfaction the elector has been identified, or
 - (a) in the case where the elector is a person subjected to preventive detention, by the Superintendent of the Jail or the Commandant of the detention camp in which the elector is under detention; and
 - (b) in other cases, by any of the following officers who have been notified in this behalf by the Election Commission, namely,

.....

or

6. *In all other cases.*—An elector shall obtain the attestation of his signature on the declaration in form 29B either by a Stipendiary magistrate to whom the elector is personally known or to whose satisfaction the elector has been identified or by any of the following officers, who have been notified in this behalf by the Election Commission, namely:

PART II—Instructions for electors

1. After you have recorded your vote on the ballot paper, place the ballot paper in the smaller cover marked 'A' sent herewith. Close the cover and secure it by seal or otherwise.
2. You have then to sign the declaration in form 26B/29B also sent herewith in the presence of an officer competent to attest your signature. See directions 5 and 6 above. Take the declaration to any such officer and sign it in his presence after he has been satisfied about your identity. The officer will attest your signature and return the declaration to you. You must not show your ballot paper to the attesting officer nor tell him how you have voted.
3. If you are unable to mark the ballot paper and sign the declaration yourself in the manner indicated above by reason of illiteracy, blindness or other infirmity, you are entitled to have your vote marked and the declaration signed on your behalf by an officer mentioned in item 2. Such an officer will at your request mark the ballot paper in your presence and in accordance with your wishes. He will also complete the necessary certificate in this behalf.
4. After the declaration has been signed and your signature has been attested in accordance with item 2 or 3, place the declaration in form 26B/29B as also the smaller cover marked 'A' containing the ballot paper, in the larger cover marked 'B'. After closing the larger cover send it to the returning officer by registered post or by messenger.

*To be deleted when only one member is to be elected.

5. You must ensure that the cover reaches the returning officer before 5 P.M. on the.....
..... (date).

6. Please note that—

(i) if you fail to get your declaration attested or certified in the manner indicated above, your ballot paper will be rejected; and

(ii) if the cover reaches the returning officer after 5 P.M. on the..... (date), your vote will not be counted.

7. Any ballot paper on which the figure 1 is not marked or on which the figure 1 is set opposite the name of more than one candidate, or is so placed as to render it doubtful to which candidate it is intended to apply, or on which the figure 1 and some other figure are set opposite the name of the same candidate or on which the same figure is set opposite the name of more candidates than one, or on which any mark is made by which the elector may afterwards be identified, or on which the signature of the elector is not duly attested or the number of which does not agree with the number of the ballot paper entered on the cover in which it is placed, will be rejected.

25. For Form 28, the following form shall be substituted, namely:—

"FORM 28

701

(See rule 97)

BALLOT PAPER

FRONT

Council of States/.....Legislative Council

Election by the elected members of

Legislative Assembly/members of

Electoral College/members of.....Legislative

Assembly19.....

Serial No.
of
candidate

Name of candidate

Mark order of
preference

1.

2.

3.

4.

Serial No.

26. For Form 29A, the following form shall be substituted, namely:—

"FORM 29A

(See rule 108)

POSTAL BALLOT PAPER

FRONT

Election

to

Council of States

the.....Legislative Council

lected members of.....Legislative Assembly

Election by members of.....Electoral College

members of.....Legislative Assembly

| Serial No. of candidate | Name of candidate | Mark order of preference |
|-------------------------------|-------------------|-----------------------------|
| 1. | | |
| 2. | | |
| 3. | | |
| 4. | | |

Serial No.

[No. F.7(22)/57-Elections.]

K. V. K. SUNDARAM, Secy.

